

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

CELLULAR COMMUNICATIONS
EQUIPMENT LLC,
Plaintiff,

v.

HTC CORPORATION, et al.,
Defendants.

Civil Action No. 6:13-cv-507

Consolidated Lead Case

CELLULAR COMMUNICATIONS
EQUIPMENT LLC,
Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD., et
al.,
Defendants.

Civil Action No. 6:14-cv-759

CELLULAR COMMUNICATIONS
EQUIPMENT LLC,
Plaintiff,

v.

LG ELECTRONICS, INC., et al.,
Defendants.

Civil Action No. 6:14-cv-982

JOINT MOTION TO SEVER

Plaintiff Cellular Communications Equipment LLC and affected Defendants to each of the above-captioned actions (collectively, “the Parties”) jointly move the Court to sever all claims pertaining to U.S. Patent No. 7,218,923 into separate constituent actions as set forth in the

Relief Sought section below. Upon severance and assignment of new civil action numbers, these cases would be consolidated for pre-trial purposes.

Claims pertaining to the '8923 patent were stayed in Civil Action No. 6:14-cv-759 pending final written decision in an *inter partes* review styled as, *HTC Corp., et al. v. Cellular Communications Equipment LLC*, No. IPR2014-01133 (P.T.A.B. filed Jul. 10, 2014). *See* Dkt 154. On January 4, 2016, the PTAB issued its Final Written Decision in CCE's favor, finding that the challenged claims had not been proved invalid. The Court lifted the stay shortly thereafter. However, after the Court lifted the stay, the PTAB instituted a second *inter partes* review involving the '8923 patent styled as, *Samsung Electronics America, Inc. v. Cellular Communications Equipment LLC*, No. IPR2015-01927 (P.T.A.B. filed on Sept. 17, 2015). The institution decision of March 15, 2016 involves all '8923 patent claims asserted in the above-captioned CCE actions.

Relief Sought

In view of the IPR institution involving the '8923 patent, all affected parties to the above-captioned actions agree that the most efficient course of action is to sever all claims pertaining to the '8923 patent into new actions. The new actions would be consolidated for pre-trial purposes. The parties agree that the claims pertaining to the '8923 patent should then be stayed pending the outcome of the IPR.

Specifically, this requested relief would result in the '8923 patents being severed from Civil Action Nos. 6:13-cv-507 (HTC and carrier co-Defendants), 6:13-cv-511 (ZTE and carrier co-Defendants), 6:14-cv-759 (Samsung and co-Defendants), and 6:14-cv-982 (LGE and co-Defendants). The '8923 patent is not asserted in Civil Action Nos. 6:13-cv-568 (Amazon and AT&T) and 6:14-cv-251 (Apple and carrier co-Defendants).

The constituent -507 actions would otherwise remain on their present schedules with the first trial set to begin on September 6, 2016. The -759 case would remain on its present schedule with trial set to begin on November 7, 2016. The -982 action would remain on its present schedule with trial set to begin on February 6, 2017.

For the foregoing reasons, the parties in each of the above-captioned cases jointly file this motion respectfully requesting that the Court enter the proposed order attached hereto.

Dated: April 15, 2016

Respectfully submitted,

<p><u>/s/ Edward R. Nelson III</u> Edward R. Nelson III ed@nelbum.com Texas State Bar No. 00797142 Ryan P. Griffin ryan@nelbum.com Texas State Bar No. 24053687 Thomas C. Cecil tom@nelbum.com Texas State Bar No. 24069489 NELSON BUMGARDNER PC 3131 West 7th Street, Suite 300 Fort Worth, Texas 76107 Phone: (817) 377-9111 Fax: (817) 377-3485</p> <p>T. John Ward, Jr. Texas State Bar No. 00794818 J. Wesley Hill Texas State Bar No. 24032294 Claire Abernathy Henry Texas State Bar No. 24053063 Ward & Smith Law Firm P.O. Box 1231 1127 Judson Rd. Ste. 220 Longview, Texas 75606-1231 (903) 757-6400 (903) 757-2323 (fax) jw@jwfirm.com wh@wsfirm.com claire@wsfirm.com</p>	<p><u>/s/ Nicole S. Cunningham</u> Nicole S. Cunningham CA State Bar No. 234390 Callie M. Bjurstrom CA State Bar No. 137816 Steve A. Moore CA State Bar No. 232114 PILLSBURY WINTHROP SHAW PITTMAN LLP 501 West Broadway, Suite 1100 San Diego, California 92101 (619) 544-3119 (619) 236-1995 (fax) Nicole.Cunningham@PillsburyLaw.com Callie.Bjurstrom@PillsburyLaw.com Steve.Moore@PillsburyLaw.com</p> <p>ATTORNEYS FOR DEFENDANTS HTC CORPORATION, HTC AMERICA INC., ZTE CORPORATION, ZTE (USA), INC., AND ZTE SOLUTIONS, INC.</p>
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ATTORNEYS FOR CELLULAR COMMUNICATIONS EQUIPMENT LLC	
<p><u>/s/ Christopher W. Kennerly</u> Christopher W. Kennerly TX Bar No. 00795077 chriskennerly@paulhastings.com Jonas P. Herrell CA Bar No. 279075 jonasherrell@paulhastings.com PAUL HASTINGS LLP 1117 S. California Ave. Palo Alto, CA 94304-1106 Telephone: (650) 320-1800 Facsimile: (650) 320-1900</p> <p>Jeffrey D. Comeau CA Bar No. 259679 jeffreycomeau@paulhastings.com PAUL HASTINGS LLP 4747 Executive Drive Twelfth Floor San Diego, CA 92121-3114 Telephone: (858) 458-3000 Facsimile: (858) 458-3005</p> <p>Trey Yarbrough TX Bar No. 22133500 tre@yw-lawfirm.com YARBROUGH WILCOX, PLLC 100 E. Ferguson St., Suite 1015 Tyler, Texas 75702 Telephone (903) 595-3111 Facsimile (903) 595-019</p> <p>ATTORNEYS FOR AT&T MOBILITY LLC</p>	<p><u>/s/ Michael E. Jones</u> Kevin Johnson kevinjohnson@quinnemanuel.com Victoria Maroulis victoriamaroulis@quinnemanuel.com Ray Zado rayzado@quinnemanuel.com QUINN EMANUEL URQUHART & SULLIVAN LLP 555 Twin Dolphin Dr., 5th Floor Redwood Shores, CA 94065 Tel: 650-801-5000 Fax: 650-801-5100</p> <p>Marissa Ducca marissaducca@quinnemanuel.com QUINN EMANUEL URQUHART & SULLIVAN LLP 777 6th Street NW, 11th Floor Washington, D.C. 20009 Tel: 202-538-8109 Fax: 202-538-8100</p> <p>Michael E. Jones State Bar No. 10929400 mikejones@potterminton.com Allen F. Gardner State Bar No. 24043679 allengardner@potterminton.com POTTER MINTON A Professional Corporation 110 N. College, Suite 500 Tyler, Texas 75702 Tel: (903) 597-8311 Fax: (903) 593-0846</p> <p>ATTORNEYS FOR SAMSUNG ELECTRONICS CO., LTD. AND SAMSUNG ELECTRONICS AMERICA, INC.</p>

<p><u>/s/ Robert W. Weber</u> Robert W. Weber Texas State Bar No. 21044800 SMITH WEBER, L.L.P. 5505 Plaza Drive P.O. Box 6167 Texarkana, TX 75505-6167 Tele: (903) 223-5656 Fax: (903) 223-5652 Email: bweber@smithweber.com</p> <p>and</p> <p>Mark W. McGrory (pro hac vice) ROUSE HENDRICKS GERMAN MAY PC 1201 Walnut, 20th Floor Kansas City, MO 64106 Tel: (816) 471-7700 Fax: (816) 471-2221 Email: MarkM@rhgm.com</p> <p>ATTORNEYS FOR SPRINT SOLUTIONS, INC., SPRINT SPECTRUM L.P., AND BOOST MOBILE, LLC</p>	<p><u>/s/ Jamie B. Beaber</u> Jamie B. Beaber (D.C. Bar No. 484186) Kfir B. Levy (D.C. Bar No. 989212) Michael W. Maas (D.C. Bar No. 493685) MAYER BROWN LLP 1999 K Street, N.W. Washington, DC 20006-1101 Telephone: (202) 263-3000 Facsimile: (202) 263-3300 jbeaber@mayerbrown.com klevy@mayerbrown.com mmaas@mayerbrown.com</p> <p>Robert G. Pluta (IL Bar No. 6278255) MAYER BROWN LLP 71 S. Wacker Drive Chicago, IL 60606 Telephone: (312) 782-0600 Facsimile: (312) 701-7711 rpluta@mayerbrown.com</p> <p>Michael E. Jones State Bar No. 10929400 mikejones@potterminton.com Allen F. Gardner State Bar No. 24043679 allengardner@potterminton.com POTTER MINTON P.C. 110 N. College Avenue, Suite 500 Tyler, Texas 75702 Telephone: (903) 597-8311 Facsimile: (903) 593-0846</p> <p>ATTORNEYS FOR LG ELECTRONICS, INC. AND LG ELECTRONICS U.S.A., INC.</p>
<p><u>/s/ Zachary T. Elsea</u> John C. Hueston (Pro Hac Vice) Douglas J. Dixon (Pro Hac Vice) HUESTON HENNIGAN LLP 620 Newport Center Dr., Suite 1300</p>	<p><u>/s/ Sarah J. Kalemeris</u> Michael E. Jones State Bar No. 10929400 mikejones@potterminton.com Patrick C. Clutter, IV</p>

<p>Newport Beach, CA 92660 Telephone: (949) 226-6741 DDixon@hueston.com JHueston@hueston.com</p> <p>Alexander C.D. Giza (Admitted E.D. Tex.) Zachary T. Elsea (Pro Hac Vice) HUESTON HENNIGAN LLP 523 West 6th Street, Suite 400 Los Angeles, CA 90014 Telephone: (213) 788-4340 agiza@hueston.com</p> <p>Melissa R. Smith State Bar No. 24001351 GILLAM & SMITH, LLP 303 S. Washington Ave. Marshall, TX 75670 Telephone: (903) 934-8450 Facsimile: (903) 934-9257 melissa@gillamsmithlaw.com</p> <p>ATTORNEYS FOR T-MOBILE USA, INC. AND T-MOBILE US, INC.</p>	<p>State Bar No. 24036374 patrickclutter@potterminton.com Potter Minton, P.C. 110 N. College Ave., Suite 500 Tyler, Texas 75702 Tel: (903) 597-8311 Fax: (903) 593-0846</p> <p>Thomas M. Dunham D.C. Bar No. 448407 tdunham@winston.com WINSTON & STRAWN LLP 1700 K Street, N.W. Washington, D.C. 20006-3817 Tel: (202) 282-5000 Fax: (202) 282-5100</p> <p>Sarah J. Kalemeris Illinois State Bar No. 6303644 skalemeris@winston.com WINSTON & STRAWN LLP 35 W. Wacker Drive Chicago, IL 60601 Tel: (312) 558-5600 Fax: (312) 558-5700</p> <p>ATTORNEYS FOR DEFENDANT CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS</p>
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CERTIFICATE OF CONFERENCE

In accordance with Local Rule CV-7(h), the undersigned certifies that counsel for CCE conferred with counsel for all Defendants in the subject cases. The Parties are in agreement as to the relief sought and, therefore, jointly bring this motion.

/s/ Edward R. Nelson III

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing was served on all parties of record on April 15, 2016 via the Court's CM/ECF system.

/s/ Edward R. Nelson III